HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.NO. 7213 OF 2007

DATED: 2.11.2007

Between:

Balaji Naik

... Petitioner

and

The Revenue Divisional Officer,
Jangaon, Warangal District and others

...
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.NO. 7213 OF 2007

ORAL ORDER:

This court issued Rule Nisi on 19.4.2007 and made an order in WPMP No.10333 of 2007. A reading of the order dated 29.3.2007 itself shows that the authorization of the petitioner is suspended by way of punishment. Since admittedly the said order was not preceded by any notice, prima facie, the same appears to be in violation of principles of natural justice. Hence, there shall be interim suspension as prayed for.

R-3 was impleaded by virtue of order dated 23.7.2007 in WPMP No.19687 of 2007. It is also brought to the notice of this court that the official respondents having received an amount of Rs.26,702/- had not supplied the commodities and request had been made at least for refund of the said amount in the event of the official respondents not inclined to supply the commodities.

The same is hereby recorded.

It is needless to state that the interim suspension is operative for sufficiently a long time. The writ petition is filed for a

writ of Mandamus declaring the action on the part of the respondents 1 and 2 in not releasing the usual monthly quota of rice even after depositing the amount during the subsistence of the licence and in not renewing the licence though the renewal fee was paid as being illegal, arbitrary and in violation of principles of promissory estoppel, natural justice and fair play apart from Articles 14 and 21 of the Constitution of India and consequently direct the respondents herein to release the usual monthly quota to the petitioner forthwith and pass such other and further order or orders as are deemed fit and proper.

Several facts have been narrated in the affidavit filed in support of the writ petition. No doubt, Sri J. Kanakaiah, counsel representing Respondent No.3 would submit that there are subsequent contraventions by the writ petitioner, it is needless to state that these questions may have to be gone into at the appropriate stage and the official respondents may have to initiate appropriate action in this regard.

Be that as it may, in the light of the facts and circumstances, since interim suspension had been granted and the same is operative for sufficiently a long time, the writ petition is disposed of directing the 1st respondent to conduct and complete the enquiry within a period of six weeks from the date of receipt of a copy of this order and till then, the interim suspension granted by this court to be operative. There shall be no order as to costs.

P.S. NARAYANA, J

Date: 2.11.2007

CVM